

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

by deleting everything after the enacting clause and by substituting the following language:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 5, is amended by adding Sections 2 through 13 of this act as a new part:

SECTION 2. As used in this part unless the context otherwise requires:

(1) "Arrears" is defined as any child support or spousal support associated with a child support order owed under a court or administrative order which is delinquent pursuant to Tennessee Code Annotated 36-5-501(b)(1), or any interest owed on those arrears.

(2) "Commissioner" means the commissioner of human services.

(3) "Certification" shall include, in addition to the necessary documentation which may be required for engaging in any profession, trade, occupation, business or industry, or to hunt, fish, or to operate a motor vehicle or other conveyance, the notification to the commissioner of employment security of persons who are being hired or re-hired by an employer.

(4) "Department" means the department of human services.

(5) "License" means a license, certification, registration, permit, approval or other similar document issued to an individual evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance.

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

(6) "Licensee" means any individual holding a license, certification, registration, permit, approval, or other similar document evidencing admission to or granting authority to engage in a profession, trade, occupation, business, or industry, to hunt or fish, or to operate any motor vehicle or other conveyance.

(7) "Licensing authority" means the board, commission, or agency which has been established by statute or state regulation to oversee the issuance and regulation of any license. Excluded from this definition is any licensing authority established solely by the action and authority of a county or municipal government.

(8) "Not in compliance with an order of support" means that the obligor is five hundred dollars (\$500) or more in arrears and the arrears are ninety (90) days or more past due.

(9) "Obligee" means any individual to whom a duty of support is owed or any state or political subdivision to whom such duty has been assigned or which is collecting support on behalf of an obligee.

(10) "Obligor" means any individual owing a duty of support.

(11) "Order of support" means any judgment or order for the support of dependent children issued by any court of this state or another state, including an order in a final decree of divorce, or any order issued in accordance with an administrative procedure established by state law in this or another state that affords substantial due process and is subject to judicial review.

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

SECTION 3.

(a) The department shall serve upon an obligor who is not in compliance with an order of support, a notice that informs the obligor of the department's intention to submit the obligor's name to the appropriate licensing authority as a licensee who is not in compliance with an order of support.

(b) The notice shall state that:

(1) The obligor may request an administrative hearing to contest the issue of compliance;

(2) A request for a hearing must be made in writing and must be received by the department within twenty (20) days of service or that within twenty (20) days the obligor must contact the local IV-D agency and pay the arrears or make arrangement for the payment of the arrears which is satisfactory to the department.

(3) If the obligor requests a hearing within twenty (20) days of service, the department shall stay action to certify the obligor to any appropriate licensing authority for noncompliance with an order of support pending a decision after a hearing;

(4) If the obligor does not request a hearing within twenty (20) days of service and is not in compliance with an order of support, the department may

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

certify the obligor to any appropriate licensing authority for noncompliance with a court order of support; and that

(5) If the department certifies the obligor to a licensing authority for noncompliance with an order of support, the licensing authority, notwithstanding any other provision of law to the contrary, must deny a renewal request or must revoke the obligor's license and refuse to issue or reissue a license until the obligor provides the licensing authority with a release from the department that states the obligor is in compliance with the obligor's support order.

(c) The notice to the obligor shall include the address and telephone number of the office of the department or its contractor that issues the notice and a statement of the need to obtain a release from that office as provided in Section 8 in order to allow the obligor's license to be issued, renewed or reinstated. The notice shall be served by certified mail, return receipt requested, or by personal service with an affidavit of service completed by an authorized representative of the commissioner.

SECTION 4.

(a) An obligor may request an administrative hearing upon receiving the notice described in Section 3 to contest the department's intention to issue a finding of non-compliance to a licensing authority. The request for hearing must be made in writing and must be received by the department within twenty (20) days of the date the notice is issued.

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

(b) The department shall conduct a hearing in accordance with the provisions of § 4-5-301 et seq.; provided, however, notwithstanding any law or rule to the contrary, the sworn certificate of the department, or its agent, or the Title IV-D agency of another state regarding the issues in subsection (c)(1) and (2) shall be admissible in evidence and shall constitute a rebuttable presumption of the obligor's status.

c) The only issues for consideration at the administrative hearing shall be:

(1) Whether the licensee is an obligor required to pay child support under a court or administrative order; and

(2) Whether the obligor is not in compliance with a court or administrative order of support as defined in this part.

SECTION 5.

(a) If an obligor timely requests a hearing to contest the issue of compliance, the department may not certify the name of the obligor to the licensing authority for noncompliance with an order of support until the department issues a decision after a hearing that finds the obligor is not in compliance with an order of support; provided, however, that after a decision by the department has been made in the form of a final order as provided in § 4-5-315, there will be no further stay unless a reviewing court issues a stay.

(b) Notwithstanding any law to the contrary, the department is authorized to assess costs of the unsuccessful appeal of notices of noncompliance to the obligor. The

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

department may, by motion in the court with jurisdiction over the support order, recover such costs against the obligor and the court shall direct the obligor to pay such costs to the department.

SECTION 6. (a) The department may certify to the licensing authority in writing or by electronic data exchange that an obligor is not in compliance with an order of support if:

(1) The obligor does not timely request a hearing upon service of notice issued under Section 3 and is not in compliance with an order of support twenty-one (21) days after service of the notice;

(2) The department issues a decision after a hearing that finds the obligor is not in compliance with an order of support; or

(3) A court, upon a petition for judicial review of the department's decision after its issuance of a stay of that decision pending its ruling, enters a judgment that upholds the department's finding that the obligor is not in compliance with an order of support.

SECTION 7.

(a) The certification from the department under Section 6 shall be, notwithstanding any other law, rule or regulation to the contrary, a basis for the denial or refusal to issue a license or to suspend or revoke a license by a licensing authority.

(b) The licensing authority shall notify, without undue delay, by regular mail, an obligor certified from the department under Section 6, that the obligor's application for

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

the issuance or renewal of a license may not be granted or that the obligor's current license will be suspended or revoked because the obligor's name has been certified by the department as an obligor who is not in compliance with an order of support.

(c) A notice of suspension must specify the reason and statutory grounds for the suspension and the effective date of the suspension and may include any other notices prescribed by the licensing authority. The notice must inform the individual that in order to apply for reinstatement, the individual must obtain a release from the department of human services in accordance with Section 8.

(d) A notice to the obligor by the licensing authority to revoke, deny, suspend, or refuse to renew a license after receipt of the notice of noncompliance from the department shall not be appealable under § 4-5-301 et seq.

SECTION 8.

(a) When an obligor who is served notice under Section 3 complies with the order of support or enters into an agreed order with the department that satisfactorily reduces the arrears together with a reasonable payment on said arrears, as determined by the department, the department shall provide the licensing authority with written or electronic data exchange confirmation that the obligor is in reasonable or full compliance with the order and issue a release to the obligor.

(b)

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

(1) Upon receipt of the written confirmation of reasonable or full compliance, the licensing authority shall issue or extend the obligor's license, or withdraw any revocation of the obligor's license and shall reinstate the obligor's license; provided, that all other applicable licensing requirements are met by the obligor.

(2) After receipt of the written confirmation or electronic data exchange from the department confirming substantial or full compliance, the obligor would then be eligible for reinstatement of any licensing privilege; provided, however, the obligor must meet all other requirements for reinstatement. The obligor will be required to pay any applicable reinstatement fee as determined by the licensing agencies.

(3) The licensing authority reinstating the license may charge a fee for reinstating the license to be determined by the licensing authority.

SECTION 9. The department shall have authority to adopt any necessary rules to implement and enforce the requirements of this act in accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 10. The various licensing authorities shall cooperate with the department in any manner necessary to effectuate this act, and the department and the various licensing authorities shall enter into any necessary agreements to carry out the purposes of this act.

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

SECTION 11. On or before January 1, 1996, or as soon thereafter as economically feasible and at least annually thereafter, all licensing authorities subject to this act shall provide to the department specified information on magnetic tape or other machine-readable format or enter into such agreement with the commissioner of human services for the transfer of such data, according to standards established by the department, about applicants for licensure and all current licensees. The information provided must include:

- (1) Name;
- (2) Date of birth;
- (3) Address of record;
- (4) Federal employer identification number or social security number;
- (5) Physical description, if available;
- (6) Type of license;
- (7) Effective date of license or renewal
- (8) Expiration date of license; and
- (9) Active or inactive status of the license.

SECTION 12. In furtherance of the public policy of increasing collection of child support, the department shall report the following to the general assembly and the governor on January 31, 1997, and annually thereafter:

- (1) The number of obligors identified as licensees subject to this act;

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 258 House Bill No. 30

(2) The number of obligors identified by the department under this act who are not in compliance with an order of support; and

(3) The number of actions taken by the department under this act and the results of those actions.

SECTION 13.

(a) In addition to other qualifications for licensure or registration and conditions for continuing eligibility to hold a license as prescribed by law, rule or regulation issued under the provisions of Tennessee Code Annotated, Titles 43, 44, 45, 55, 56, 62, 63, 68, 70 or 71, for an individual to engage in a profession, trade, occupation, business, or industry, or to hunt or fish, applicants for licensure, certification or registration, and licensees renewing their licenses, and existing licensees, must also comply with the requirements of Sections 2 through 9 of this act.

(b) The Supreme Court is encouraged to establish guidelines to suspend the license of an attorney who fails to comply with the requirements of Sections 2 through 9 of this act.

SECTION 14. For purposes of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1996, the public welfare requiring it.